IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1226 OF 2007

Shivaji Dashrath Gaikwad. ..Petitioner.
Versus
The Superintendent, Yervada
Central Prison, & 4 Ors. ..Respondents.

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Mr.S.A. Shaikh, Adv. for the Petitioner.
Mr.A.S.Gadkari, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND
SMT.V.K.TAHILRAMANI,JJ.
DATED : SEPTEMBER 07, 2007.

P.C.:-

1. Heard.

2. The petitioner had preferred an application for furlough in the year 2006 which came to be rejected by order dated 7.5.2007. The said application came to be rejected on the ground that in the year 2003 as well as in the year 2004 when the petitioner was released on parole leave he has overstayed the period of parole leave.

3. It is an admitted fact that on both the occasions i.e. in the years 2003 and 2004 when

the petitioner was released on parole he has himself surrendered back to the prison albeit late. It is also an admitted fact that in the year 2006 the petitioner was again released on parole and on that occasion infact the petitioner had surrendered back to jail one day earlier.

4. Looking to the fact that on the last occasion the petitioner has surrendered back in time, we see no justification for rejecting the prayer for furlough on the ground of overstay in the years 2003 & 2004. Hence the order dated 7.5.2007 is set-aside. The applicant to be released on furlough on complying with all the necessary formalities.

5. Writ Petition is disposed of accordingly.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]